REMARKS

Claims 1-9 and 12-18 are pending in this application. By this Amendment, claims 10, 19 and 20 are canceled (without prejudice or disclaimer) and claims 1, 3, 7, 11, 12 and 16 are amended.

Entry of this Amendment is proper under 37 C.F.R. §1.116 because the Amendment: a) places the application in condition for allowance for the reasons set forth below; b) does not raise any new reasons that require further search and/or consideration; and c) places the application in better form for an appeal should an appeal be necessary. More specifically, the above amendments amends the independent claims to include features similar to previously recited features in allowable dependent claims, as well as to clarify minor issues discussed on page 3 of the Office Action. The issues discussed on page 3 of the Office Action are first mentioned in the outstanding Office Action and thus applicants are now given an opportunity to respond. Accordingly, the above amendments merely recite features previously recited and/or that are first mentioned in the outstanding Office Action. Thus, no further search and/or consideration is necessary by the Examiner. Entry is proper under 37 C.F.R. §1.116.

Applicants gratefully acknowledge the Office Action's indication that claims 7 and 12-15 contain allowable subject matter. Independent claims 1, 11 and 16 have been amended to include allowable subject matter from these dependent claims as will be discussed below.

The Office Action rejects claims 1 and 10-11 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In order to further prosecution and obtain allowance of this application, independent claims are amended to delete "automatically" as well

as "without requiring user action." Withdrawal of the rejection under 35 U.S.C. §112, first paragraph, is respectfully requested.

The Office Action rejects claims 1-20 under 35 U.S.C. §112, second paragraph. The above amendments to the claims obviate the grounds for rejection. Because this rejection was first made in the outstanding Office Action, applicants should be entitled to make amendments to overcome the outstanding rejection. In particular, claims 3 and 11 are amended to recite "a matched receiving board provided at the receiving side terminal." It is clear that the receiving side terminal thereby includes a matched receiving board. Thus, these claims are clear. Claims 1 and 16 are also amended to recite "an entire interval." Further, claim 3 is amended to clarify "each board connected with the active path." Withdrawal of the outstanding rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

The Office Action rejects claims 1-4 under 35 U.S.C. §103(a) over U.S. Patent 6,181,680 to Nagata in view of newly-cited U.S. Patent 6,442,131 to Kondo. The Office Action also rejects claims 10-11, 16 and 19 under 35 U.S.C. §103(a) over U.S. Patent 5,715,237 to Akiyoshi over Kondo. The Office Action also rejects claims 5-6 and 8-9 under 35 U.S.C. §103(a) over Nagata in view of Kondo and further in view of U.S. Patent 5,659,540 to Chen. Still further, the Office Action rejects claims 18 and 20 under 35 U.S.C. §103(a) over Akiyoshi in view of Kondo and further in view of Chen. The rejections are respectfully traversed with respect to the pending claims.

As stated above, the Office Action indicates that claims 7 and 12 contain allowable subject matter. By this Amendment, independent claim 1 is amended to recite searching for an

error interval when input data and extracted data of the path test are not same. Independent claim 11 recites searching for an error interval when input data and extracted data of the path test are not same. Still further, independent claim 16 recites performing an inter-based path test when input data and extracted data of the path test are different. Similarly claimed subject matter was previously recited in dependent claims 7 and 12, which are indicated as being allowable in the outstanding Office Action.

Applicants respectfully submit that the applied references do not teach or suggest these claimed features of independent claims 1, 11 and 16. That is, Nagata and Akiyoshi do not teach or suggest searching for an error interval when input data and extracted data of the path test are not same. For example, Nagata discloses that if a fault condition is detected as a result of the cell continuity check, the check result may be displayed on a display to notify the administrator. See col. 5, lines 5-9; col. 10, lines 60-67; and col. 12, lines 19-23. Nagata does not teach or suggest searching for an error interval. Additionally, Akiyoshi does not teach or suggest searching for an error interval when both the input data and extracted data of the path test are not same. The other applied reference does not teach or suggest these features missing from Akiyoshi and Nagata. As such, independent claim 1 defines patentable subject matter. Each of independent claims 11 and 16 define patentable subject matter for at least similar reasons.

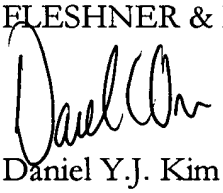
Claims 2-9 depend from claim 1 and claims 17 and 18 depend from claim 16 and therefore define patentable subject matter at least for this reason. For at least the reasons set forth above, each of claims 1-9 and 12-18 define patentable subject matter. Withdrawal of the outstanding rejections are respectfully requested.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-9 and 12-18 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren,** at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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